

## NOTICE OF LAND DEVELOPMENT APPLICATION TO INTERESTED AND AFFECTED PARTIES FOR COMMENT

Affected person's Name

Affected persons Physical Address

Dear Sir/Madam

**The following land use application in terms of the Stellenbosch Land Use Planning Bylaw, 2015, refers:**

Property address	:	Rainbow's End Farm, Banhoek Valley Stellenbosch
Property number	:	Farm 122/17 Stellenbosch Division
Applicant	:	Emile van der Merwe Town Planning Consultants
Owner	:	Merindol Trust
Application reference	:	LU/12523
Application type	:	Consent Use

### **Detailed description of land use or development proposal:**

Application is made in terms of Section 15 (2) (o) of the Stellenbosch Municipal Land Use Planning By-Law (2015) promulgated by notice number 345/2015, dated 20 October 2015, for a Consent Use to accommodate the proposed tourist facility in the form of wine tasting & sales facility (±223m<sup>2</sup>).

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
  - Indicate the facts and circumstances that explain the comments;
  - Where relevant demonstrate the undesirable effect that the application will have if approved;
  - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
  - Enable the applicant to respond to the comments.

The comments must be addressed to the applicant by electronic mail as follows: **(Emile van der Merwe Town Planning Consultants: emilevdm@adept.co.za**

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **24 May 2021**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date.

For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically at (021-8865050/0845566461) during normal office hours.

Yours faithfully

**EMILE VAN DER MERWE**

## KENNISGEWING VAN GROND ONTWIKKELINGS AANSOEK AAN GETRESEERDE EN GEAFFEKTEERDE PARTYE VIR KOMMENTAAR.

Naam van geaffekteerde persoon

Fisiese adres van geaffekteerde persoon

**Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning, 2015, verwys:**

Adres van aansoek eiendom :	Rainbow's End Plaas, Banhoek Vallei Stellenbosch
Aansoek eiendom beskrywing:	Plaas 122/17, Afdeling Stellenbosch
Aansoeker :	Emile van der Merwe Stadsbeplannings konsultante
Eienaar :	Merindol Trust
Aansoek verwysing :	LU/12523
Tipe aansoek :	Vergunningsgebruik

### Besonderhede van die grondgebruiksaansoek

Aansoek in terme van Artikel 15 (2) (o) van die Stellenbosch Munisipaliteit se Verordening of Grondgebruikbeplanning (2015) afgekonding by Kennisgewing nommer 345/2015 gedateer 20 Oktober 2015 vir 'n Vergunningsgebruik in die vorm van 'n toeristefasiliteit vir 'n wynproe en verkope lokaal ( $\pm 223\text{m}^2$ ).

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: [<https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>]. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
  - Die feite en omstandighede aantoon wat die die kommentaar toelig;
  - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
  - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
  - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die kommentaar moet by wyse van elektroniese pos aan die Aansoeker gestuur word as volg: (Emile van der Merwe Stadsbeplanning Konsultante/emilevdm@adept.co.za).

Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitings datum van **24 Mei 2021**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word.

Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by (021-8865050/0845566461) durende normale kantoor ure.

Die uwe

**EMILE VAN DER MERWE**

## 1. BRIEF

Emile van der Merwe Town Planning Consultants have been appointed by the registered owner of Farm 122/27 Stellenbosch to prepare and submit the required town planning application to the Stellenbosch Municipality for the following:

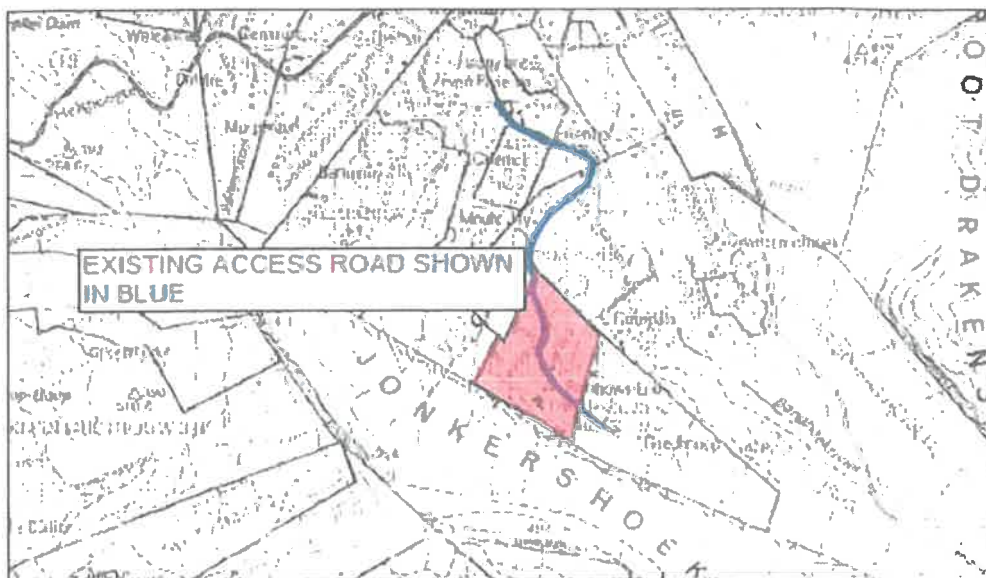
1. APPLICATION FOR CONSENT USE (TOURIST FACILITY – 223m<sup>2</sup>) IN TERMS OF THE SECTION 15 (2) (O) OF THE MUNICIPAL LAND USE PLANNING BY-LAW READ WITH THE STELLENBOSCH ZONING SCHEME-BY-LAW TO ESTABLISH A WINE TASTING AND SALES FACILITY (151m<sup>2</sup>) WITH AN OPEN DECK (72M<sup>2</sup>) ON THE PROPERTY.

The following report will endeavour to show that the proposal will not have a negative impact on the natural and built environment and that it will not detract from the rural and cultural character of the Winelands landscape. The development can be accommodated within the zoning provisions of the Stellenbosch Municipality and it is deemed to be consistent with the planning guidelines of the Western Cape Provincial Government as well as the Municipal Spatial Development Framework.

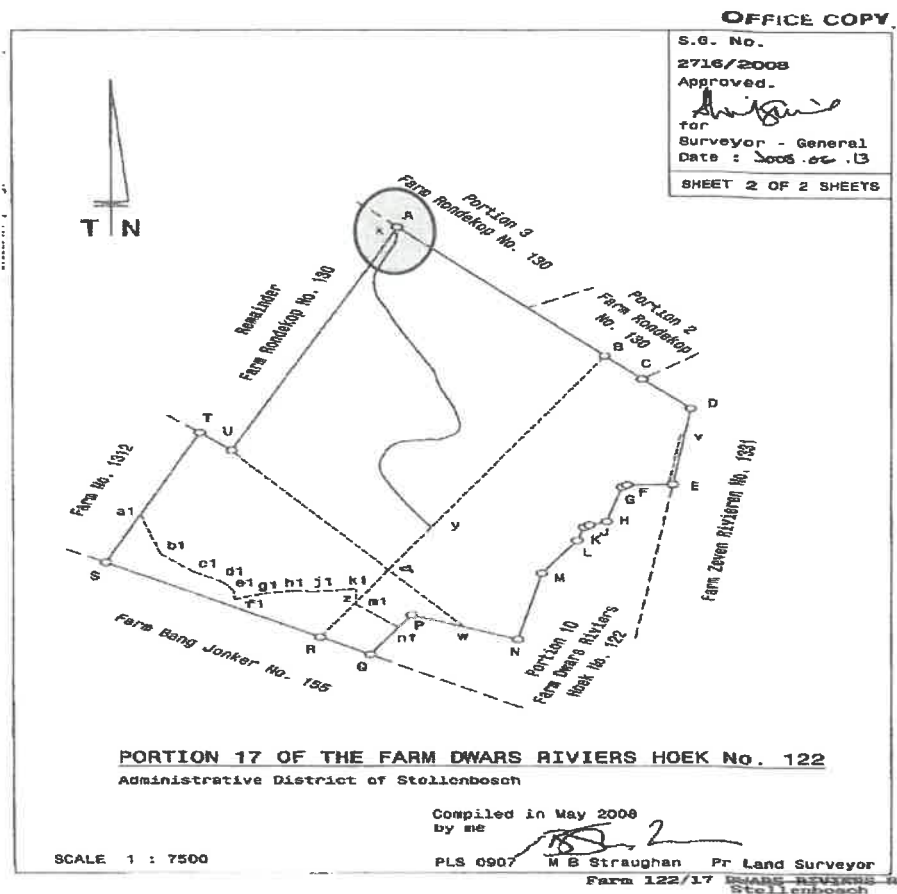
## 2. LOCATION AND ACCESS

The property is located approximately 12km to the north of Stellenbosch Town in the Banhoek Valley. A location plan is attached as **Appendix 1**.

Access to the property is obtained via an existing access road off Minor Road 5227 (Zevenrivieren Road) as per the map below. Zevenrivieren Road provides access to the Helshoogte Road.



Access to the proposed facility will be provided via an internal farm road that gains access from point x as shown the SG diagram 2716/2009 below



### 3. OWNERSHIP AND SIZE

Ownership of the property vests with the Merindol Trust as held by Deed of Transfer T20093/2011. A copy of the Title Deed is attached as **Appendix 2**. The SG diagram is attached as **Appendix 3**. The Trust resolution and Power of Attorney is attached as **Appendix 4**. The property is 43.5169 ha in extent.

### 4. PROPOSAL – SEE PLANS ATTACHED AS APPENDIX 5

Rainbows End (Farm 122/17) is planted with approximately 23 ha vineyards and produces small quantities of predominantly high quality red wines. In order to diversify the economic viability of the farming unit is the objective to establish to small scale new wine tasting and sales area in close proximity to the existing farm office. The location of the facility was done to ensure minimal impact on the daily running of the farming activities and to make use the of the existing resources (roads and infrastructure) in a cost effective and sustainable manner. The facility comprises a total extent of 223m<sup>2</sup> in extent and incorporates the following areas:

- Wine tasting and sales (151m<sup>2</sup> - wine tasting, wine bottle storage, display, scullery and ablution)
- Open deck area – 72m<sup>2</sup>)

Parking will be provided in accordance with the provisions of the Zoning Scheme (4/100 GLA). A total number of 9 parking bays can easily be provided on site.

The facility will not result in a building line departure application and is located approximately 60m from the nearest boundary (north eastern boundary). It is anticipated that the facility in relation to the scale thereof will not adversely impact on the rights on the surrounding properties owners with regard to noise, traffic etc. The facility will not be used for public functions that normally attract a large number of people per occasion. Although the facility is less than 250m<sup>2</sup> the proposed use requires a consent use application as stipulated in the Stellenbosch Municipal Land Use Planning By-Law (2019).

## 5. ZONING AND LAND USE

The subject property is zoned Agricultural and Rural Zone in terms of the Stellenbosch Zoning Scheme By-Law (2019).

### 200. Purpose of the zone

- (1) The purpose of this zone is to make provision for:
- (a) the protection and preservation of agricultural land, rural landscapes and biodiversity;
  - (b) use of land for purposes of bona fide agricultural production or conservation;
  - (c) buildings and structures which may be erected for reasonable and normal agricultural purposes;
  - (d) a limited range of other ancillary uses which may take place on agricultural land units, either as additional rights or with the consent of the Municipality and which provides for more intensive agricultural use, agricultural industry or tourism which has the objective of creating variety, ensuring sustainability and providing diversified income to land owners, without adversely impacting on the primary use of the land unit for agricultural purposes.

### Consistency with regards to provisions of the Stellenbosch Zoning Scheme By-Law

- The tourist facility will be undertaken form a land unit where the primary use of the land is for bona-fide agriculture (± 20 ha planted with vineyards)
- The application will not have a detrimental impact on the preservation of agricultural land and the continued use of the agricultural activities (vineyards on the farm)
- The tourist facility will be in keeping with the character of the buildings on the farm the scale as is such that ti will not dominate the farming activities and existing built form
- The primary use of the land will be for bona-fide agriculture and the proposal will be subservient to the land use activities on the farm.



- The proposed facility is considered to be a rural place bound activity and is of small scale that will complement the farming operations whilst not compromising the agricultural sustainability, scenic and heritage and cultural landscape
- The proposed facility will be located in close proximity to the existing farm office and is accessible from the existing internal farm road. The proposal will not interfere with the daily running of the farming operations
- The proposal will not adversely affect the agricultural potential of the farming unit.

A tourist facility in terms of the Planning By-Law is defined as follows:

**“tourist facilities” (toerisme fasiliteite)** describes land uses that provide facilities, amenities and activities, aimed at tourists and visitors, such as shops, markets, restaurants and places of entertainment (which may be licensed to sell alcohol), outdoor sport, conference facilities, place of assembly, wellness centres and/or open spaces, and may also include ancillary uses, limited industry only related to the manufacturing of clothing, food, beverages or making of craft items and/or art, a liquor store for the sale of alcoholic beverages for off-site consumption, provided that the alcoholic beverages are produced under license on the land unit, and examples include farm stalls, farm shops, farmer’s markets, farm deli’s, wine sales, wine tasting facilities, 4x4 or mountain bike trails, cycle and hiking trails, picnic facilities, function venues, brew-pubs, craft gin distilleries, coffee roasteries, bakeries, charcuterie but excludes tourist accommodation, guest houses, bed-and-breakfast establishments and hotels;

## 6. LEGISLATIVE AND POLICY CONTEXT

### 6.1 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Western Cape Land Use Management Act (2014)

The legislative framework provides the norms and standards and guiding principles to which development applications must comply and assessed. The application inter-alia is consistent with the following guiding principles.

- Promote land development that is spatially compact, resource –frugal and within the fiscal, institutional and administrative means of the Stellenbosch Municipality.
- Protection of prime unique and high potential agricultural land
- Uphold consistency of land use measures in accordance with environmental management instruments
- Promote land development in locations that are sustainable and limit urban sprawl
- Protection of high biodiversity areas and heritage and tourism resources
- Optimise the use of resources, infrastructure, agriculture and land
- Integrate social, economic and institutional aspects of land development



The Western Cape Land Use Management Act, 2014 and the Spatial Planning and Land Use Management Act, 2013 serves as platform to guide decision-making in relation to land use and development. In this regard are the following 5 principles applicable

### **Spatial Justice**

The proposal will not have an negative impact on the agricultural potential and farming activities.

### **Spatial efficiency**

The proposal will make of use resources in a just and efficient manner.

### **Spatial resilience**

The proposal is deemed compatible with the rural character of the area and is in line with the municipal IDP and spatial development framework.

### **Good Administration**

The proposal conforms to the requirements of the Stellenbosch Planning Zoning Scheme By-Law and Stellenbosch Land Use Planning By-Law. Desirability In terms of Section 49 (d) of the Western Cape Land Use Planning Act (2014) is defined as the degree of acceptability of a specific proposal on a property within and existing natural or built environment. An important factor when assessing such a proposal is the extent to which the proposal complies with the overarching national, provincial and local planning guidelines and spatial frameworks. With reference to the development proposal your attentions in this regard is drawn to the following:

## **6.2 Western Cape Provincial Spatial Development Framework (WCPDFF)**

The WCPDFF serves as guideline and puts forward proposals and strategies aimed at achieving certain provincial wide goals. The policy document is informed by the National Development Plan and related spatial policies and takes its strategic direction from the Western Cape development strategy and related policy frameworks. It also serves to guide the location and form of public investment. An important factor in this regard relates to the role which the rural economy can play in the overall economy of the greater municipal are and is of particular relevance to the Stellenbosch area. The proposed tourist facility presents an opportunity that is aligned with the policy to allow for compatible and sustainable rural activities to the benefit of the broader good of society with positive socio-economic returns.

As far as the application is concerned, the principles contained in the WCPDFF will have to be considered to ascertain whether sustainable development is promoted. Sustainable development encompasses the integration of social, economic and ecological factors into

planning, decision-making and implementation so as to ensure that development serves present and future generations. The three pillars of sustainable development, also referred to as the triple bottom line are:

- Ecological integrity
- Social Justice
- Economic efficiency

These three pillars of sustainability can be viewed as providers of the capital necessary for each subsequent pillar to function. In order to determine the desirability of a proposed development one should thus consider whether or not it is socially, economically and ecologically sustainable. The application will not have a negative impact on the 3 pillars of sustainability

### 6.3 Western Cape Strategic Plan 2014-2019

#### Vision

*"We need to transform the nature and performance of the economy to simultaneously achieve sustained GDP growth, greater environmental resilience, and much better inclusion reflected in radically lower unemployment, poverty and inequality. A Highly skilled Innovation-driven Resource-efficient Connected High Opportunity Society For All"*

#### Provincial Strategic Goals



#### Western Cape Economic Drivers

##### PSG 1: Create opportunities for growth and jobs

##### PROJECT KHULISA ("to grow")

###### Productive Sectors:



###### Enablers:

- Energy
- Water
- Broadband
- Skills



## Western Cape Industry: District Comparative Advantages

**Table 3.5 Western Cape: Industry revealed comparative advantage by district**

<b>Cape Metro</b>	<b>Cape Winelands</b>	<b>Eden</b>
Textiles, clothing & leather	Agriculture & processing	Agriculture & processing
Tourism	Tourism	Tourism
Finance, BPO, ICT	Building & construction	Building & construction
'Knowledge sector'	Communications & ICT	Timber & furniture
Timber & furniture		
<b>West Coast</b>	<b>Overberg</b>	<b>Central Karoo</b>
Agriculture & processing	Agriculture & processing	Agriculture & processing
Tourism	Tourism	Tourism
Building & construction	Building & construction	Building & construction
	Timber & furniture	Electrical machinery
		Finance & insurance

Source: CER

From the above information it is clear that the Provincial Government Western Cape in terms of their Provincial Spatial Development Framework and Strategic Plan has placed as specific emphasis on the importance of the tourism industry as key sector in growing and sustaining the economic base of the region.

### 6.4 Stellenbosch Spatial Development Framework

The Stellenbosch SDF has been approved by Council during November 2019 is founded on the principles of the Spatial Planning and Land Use Management Act, the Western Cape Land Use Planning Act, the National Development Plan, the National Heritage Resources Act, the Environmental Management Act, as well as the Stellenbosch Municipal Integrated Development Plan. The SDF places a renewed and key focus on the protection of agricultural and farming land and the conservation of the natural and biodiversity areas. The property is located outside the urban to which the following principles apply:

- Land outside the urban edge should be used for agricultural production, biodiversity, conservation, scenic quality and agri-tourism;
- Intensification of agriculture, biodiversity, conservation and agri-tourism should be promoted in farming areas outside of urban settlements
- Tourism facilities preferably should make use of existing buildings or new buildings on disturbed footprints and these should take the natural and heritage significance of the site into account.

The proposal is consistent with the above principles and objectives of the SDF. It in fact in is in support with the development principles of spatial justice, spatial sustainability, efficiency and spatial resilience.

## 7. MUNICIPAL SERVICE INFRASTRUCTURE

The proposal will not impact on the service level capacities of the Stellenbosch Municipality. The property is not connected to any municipal services. Domestic water and water for irrigation is obtained from natural springs and the existing dam on the property. There are also 5 boreholes on the property which supply water to the reservoirs if required. Electricity is obtained from transformers and metered connections from Eskom.

Refuse is disposed on site. The owner uses a 2m diameter manhole pipe which is 2m high as a furnace of all domestic refuse. Refuse is collected on the farm once a week and incinerated in the pipe. The tins are taken out at the bottom hole of the manhole pipe as required and taken via a farm truck to the municipal dump. The existing dwellings have septic tanks and soak-aways. A new conservancy with a capacity of 6000l will be used for the tourist facility.

Stormwater is handled on the property and channelled naturally to the dam. A series of sand traps have been built by the owner to prevent the silting of the dam.

## **8. OTHER STATATORY REQUIREMENTS**

### **TITLE DEED CONDITIONS:**

No restrictive title deed conditions have been found that may hinder the approval of the proposed application..

### **NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA):**

There are no triggers which require a Basic Assessment or a full Environmental Impact Assessment in terms of NEMA Environmental Impact Assessment Regulations 2010, or as amended in 2014.

### **NATIONAL HERITAGE RESOURCES ACT (NHRA):**

The provisions of Section 38 of the National Heritage Resources Act No 25 of 1999 are not triggered.

## **9. CONCLUSION**

The development proposal is consistent and complies with the criteria set out in Chapter V of the Stellenbosch Land Use Planning By-Law (2015) with reference to the following:

- The proposal is consistent with the Integrated Development plan and the Spatial Development Framework of the Stellenbosch Municipality;

- The building is in close proximity of the existing farm office and will have direct access from the existing internal farm road. ;
- The new building will not impact on the production capacity of the farming unit.
- The proposal is subservient to the main farming agricultural activities;
- The proposal conforms to the objectives of the National Development Plan and the Provincial Spatial Development Framework and Strategic Action Plan with reference to growing the local economy by means of tourism related development
- The proposal conforms to the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act and the principles referred to in Chapter VI of the Land Use Management Act, and
- The proposal is in line with the provisions of the Stellenbosch Zoning Scheme By-Law and associated development parameters.

In light of the above report and supporting documentation it is trusted that the Stellenbosch Municipality favourably will consider the application on Farm 122/217 Stellenbosch Division.

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**APPENDIX 1**  
**LOCATION PLAN**

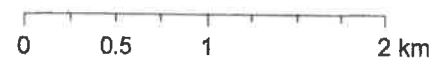


# Location map: Farm 122/17



## Legend

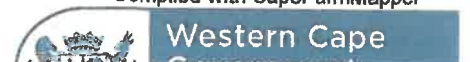
- Parent Farms
- Farm Portions



Scale: 1:49 732

Date created: March 9, 2021

Compiled with CapeFarmMapper





## **APPENDIX 2**

### **COPY OF TITLE DEED**

86  
MINDE SCHAPIRO & SMITH

Prepared by me:

CONVEYANCER  
G.J.R. VAN REENEN

**FEE**  
R 160,00

BO 04 0983 / 2013  
GEKANSLEEFER  
CANCELLED  
REGISTRATEUR/REGISTRAR  
2013-08-26

WET 47 VAN 1937 SECTION 40(S)(c) ACT 47 OF 1937  
VERBIND MORTGAGED  
39528/1991  
B  
VIR FOR R 600 000,00  
SC 016983/11  
12 APR 2011  
REGISTRATEUR/REGISTRAR

T. 020093 / 11

**CERTIFICATE OF CONSOLIDATED TITLE**

Issued under the provisions of section 40 of the Deeds Registries Act 1937 (No 47 of 1937)

DATA / VERIFY  
16 MAY 2011  
OLIVIER YOLANDI

WHEREAS

THE MERINDOL TRUST  
Registration Number T658/83

DATA / CAPTURE  
06 MAY 2011  
NGARALINDA

Has applied for the issue of a Certificate of Consolidated Title under the provisions of Section 40 of the Deeds Registries Act 1937;

AND WHEREAS it is the registered owner of:

VIR ENDOSSEMENTE KYK BLADSY 18.16  
FOR ENDORSEMENTS SEE PAGE

cm

1. PORTION 16 (PORTION OF PORTION 10) OF THE FARM DWARS RIVIERS HOEK NO. 122, IN THE STELLENBOSCH MUNICIPALITY, DIVISION STELLENBOSCH, PROVINCE OF THE WESTERN CAPE,

HELD by Deed of Transfer No. T36406/1991

2. PORTION 11 (PORTION OF PORTION 10) OF THE FARM DWARS RIVIERS HOEK NO. 122, IN THE STELLENBOSCH MUNICIPALITY, DIVISION STELLENBOSCH, PROVINCE OF THE WESTERN CAPE;

HELD by Deed of Transfer No. T36406/1991

which have been consolidated into the land hereinafter described;

NOW, THEREFORE, in pursuance of the provisions of the said Act; I, the Registrar of Deeds at Cape Town, do hereby certify that the said

THE TRUSTEES FOR THE TIME BEING OF  
THE MERINDOL TRUST  
Registration Number T658/83

or its assigns, is the registered owner of

PORTION 17 OF THE FARM DWARS RIVIERS HOEK NO. 122, IN THE STELLENBOSCH MUNICIPALITY, DIVISION STELLENBOSCH, PROVINCE OF THE WESTERN CAPE;

MEASURING : 43,6149 (FORTY THREE COMMA SIX ONE FOUR NINE) Hectares;

AS WILL more fully appear from the annexed Diagram SG No: 2716/2008;

I, AS FAR AS the figure A B y a U on the annexed Diagram SG No. 2716/2008 is concerned :

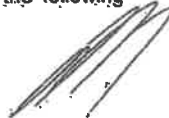
Dr

A. SUBJECT to the conditions referred to in Deed of Transfer No. T3683/1948;

B. SUBJECT FURTHER to and ENTITLED to the benefit, as the case may be, to the following conditions contained in Deed of Transfer No. T5879/1918, which according to Deed of Transfer No. T11418/1951 are stated to be binding on J P. Celliers and his Successors in Title, and on C E Van Breda and M P Van Breda and their successors in title; in the ownership of the remainder hereinafter described in Sub-Clause 4; namely :

1. The Transferee shall be entitled to use the existing roadways leading to Stellenbosch and Groot Drakenstein.
2. The Transferee shall be entitled to draw from the Stream known as Rondekop Stream (Which flows on or over the property hereby transferred) so much water as will flow through a pipe of the internal diameter of one inch, without pressure, and the Transferee shall further be entitled to the whole balance of the said stream for four days in each week that is from 6 a.m. on Sunday to 6 a.m. on Thursday. The Transferee shall not be entitled to any other water flowing on and over the property hereby transferred, except for drinking purposes.
3. The Transferee shall allow a furrow over the land hereby transferred to the purpose of conveyancing water from the said Rondekop Stream to the Appearer's Constituents' remainder, with right of access to the said furrow for the purpose of inspection, maintenance and repair.
4. The Appearer's Constituents' remainder consists of the remainder of the several properties held by them under four Deeds of Transfer Nos. 8376 and 8377 of the 10<sup>th</sup> October, 1912 and Nos 9726 and 9727 of 1<sup>st</sup> November 1913."

C. ENTITLED to the benefit of the conditions referred to in the following



endorsement dated 20 October 1959 on the said Deed of Transfer No. T11418/1951, namely :

"Condition Remdr. Meas. 116.4795 Hectares by Deed of Transfer No. 14682/1959 Portion 6 Measuring 8910 Square Metres thereby conveyed is not entitled to the benefits of the rights set forth in conditions 1 & 2 contained in Deed of Transfer No. 5879/48 relating to Roadways and certain water rights from Rondekop Stream which benefits have been reserved by J C.D Vanrenen in favour of himself and his successors in title as owner of the remainder of Goede Hoop meas 116.4795 Hectares, held hereunder, as will more fully appear on reference to the said Deed of Transfer."

D. SUBJECT FURTHER and ENTITLED to the benefit of, as the case may be, the servitude referred to in the following endorsement dated 26 February 1960, in the said Deed of Transfer No. T11418/1951, namely :

"Remainder"

By Notarial Deed No 74/1960 dated 3<sup>rd</sup> December 1959 the owner of the property held hereunder gives and grants to the owner of the property held by Transfer No. 14682/1959 (remainder) :

- (a) The right to build and maintain a dam on any part of the stream running through the land held hereunder as marked by the blue line K.L. on the servitude diagram No. 5890/59 annexed to the said Notarial Deed, with the use of the water in the stream, and ancillary rights, and



- (b) The owner of the property held under Transfer No. 14682/59 has granted to the owner of the property held hereunder a right of way approximately 6,30 metres wide over the aforesaid property, the centre of which right of way is marked on the aforesaid servitude diagram No. 5890/59 by the brown line P.Q. running over the land in Para 2 of the said Transfer and the brown line Q.R. running over the land described in Para 1: Subject to conditions as will more fully appear on reference to the said Notarial Deed, a copy of which is annexed hereto:"

E. ENTITLED FURTHER to the benefit of the conditions referred to in the following endorsement dated 16 November 1967 in the said Deed of Transfer No. T11418/1951, namely "

"By Deed of Transfer No. 26474 dd this day the remdr. Of Port. 4 of the Farm Dwars Riviershoek No 122 held hereunder is entitled to certain rights as will more fully appear in annexure "A" attached hereto."

Annexure "A" reads as follows :

1. The Transferor reserves for himself and his successors in title as owners of the remaining extent of portion 4 (Goede Hoop) of the farm Dwars Riviershoek, measuring after deduction of the area hereby to be transferred 46.5845 morgen, the rights to the use for any purpose of all and any roads running over the land hereby to be transferred, and in particular to the use for any purpose of the servitude road marked by the brown line p.q. on diagram No. 10971/65 to be annexed to the Transfer to be passed by virtue hereof.



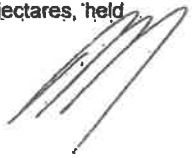
2. The Transferor reserves for himself and his successors in title as owners of the remaining extent of portion 4, more fully described in Condition 1 above, all such water rights as are applicable to the whole of the said property and are required for the use of himself or his successors in title as owners of the remaining extent. In particular the Transferor reserves for himself and his successors in title as owners of the said remaining extent the right to lead off and use for household purposes water from the stream marked r.s. on the said Diagram No. 10971/65 or the spring from which such stream arises, up to a maximum of five hundred (500) gallons a day."

ii. AS FAR AS the figure a z' R S a' T on the annexed Diagram SG No. 2716/2008 is concerned :

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T5882/1919;
- B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T7279/1919, namely :

"The Transferee shall not be entitled to any of the Transferor's share of the water flowing on and over the adjoining land known as Goëde Hoop, registered in the name of Jacob Petrus Celliers by Deed of Transfer No. 5879 of 22<sup>nd</sup> June 1918."

iii. AS FAR AS the figure A B R S T U on the annexed Diagram SG No. 2716/2008 is concerned :

- A. ENTITLED to the benefit of the following conditions mentioned in the said Deed of Transfer No. T25590/1970 imposed by the owner of the Remainder Portion of Portion 10 of the Farm Dwars Riviers Hoek No. 122, in the Division of Stellenbosch, measuring 23,4367 Hectares, held
- 



by Certificate of Consolidated Title No. T25589/1970, for the benefit of the Transferee and his successors in title, namely

"The Transferee and his successors in title shall have the right to draw the whole of the water available to the Transferor as owner of the remaining extent of the property, save and except that in priority to such right the Transferor and his successors in title as owners of the said remaining extent shall have the right to draw from the said available water supply water for a period of not less than thirty-six (36) hours each week of each year.

- B. SUBJECT FURTHER to the following conditions contained in the said Deed of Transfer No. T25590/1970 imposed by the owner of the remainder Portion of Portion 10 of the Farm Dwars Riviers, Hoek No. 122, in the Division of Stellenbosch, measuring 23,4367 Hectares, held by Certificate of Consolidated Title No. T25589/1970 for the benefit of himself as owner of the said Remainder portion and his successors in title, namely

- "(i) The Transferor and his successors in title, shall have the right to the use of the servitude road marked "xy" on Diagram No. 6117/69 of the land hereby transferred at the point marked "Y" to the point marked "X": such right to extend along the whole length to a distance of 6,30 metres on each side of the line marked "xy", provided that for a length of 85 metres measured from point "Y" in the Direction of point "X" such right shall on the eastern side of "xy" extend to a distance of 18.89 metres from the line "xy", (Which centre of the servitude road is depicted by the line "xy" on Diagram SG No. 2716/2008)



- (ii) The Transferee and his successors in title of Portion 11 shall not erect or instal any structure or enclosure of any nature or kind designed for the housing of livestock within the said distances of 365.76 metres of the Transferor's boundary or 47.23 metres of the said servitude road "

IV. **INSOFAR** as the figure B C D v E F G H J K L M N W a on the annexed Diagram SG No: 2716/2008 is concerned :

1. **SUBJECT** to the conditions referred to in Deed of Transfer No. T3683/1946 and those contained in Deed of Transfer No. T5879/1918; which according to Deed of Transfer No. T11418/1951 are stated to be binding on J.P. Celliers and his Successors in Title and on C.E. Van Breda and M.P. Van Breda and their Successors in Title in the Ownership of the remainder hereinafter described in Sub-Clause 4, namely :

- (a) The Transferee shall be entitled to use the existing roadways leading to Stellenbosch and Groot Drakenstein.
- (b) The Transferee shall be entitled to draw from the Stream known as Rondekop Stream (Which flows on or over the property hereby transferred) so much water as will flow through a pipe of the internal diameter of one inch, without pressure, and the Transferee shall further be entitled to the whole balance of the said stream for four days in each week that is from 6 a.m. on Sunday to 6 a.m. on Thursday. The Transferee shall not be entitled to any other water flowing on and over the property hereby transferred, except for drinking purposes.
- (c) The Transferee shall allow a furrow over the land hereby transferred to the purpose of conveying water from the said Rondekop Stream to the Appearer's Constituents' remainder, with right of access to the said furrow for the purpose of inspection, maintenance and repair.



- (d) The Appearer's Constituents' remainder consists of the remainder of the several properties held by them under four Deeds of Transfer Nos. 8376 and 8377 of the 10<sup>th</sup> October, 1912 and Nos. 9726 and 9727 of 1<sup>st</sup> November 1913."
2. ENTITLED to the provisions of an endorsement dated 20<sup>th</sup> October 1959 on the said Deed of Transfer No. T11418/1951 which endorsement reads as follows :

"Condition Remdr. Meas. 116.4795 Hectares by Deed of Transfer No. 14682/1959 Portion:6 Measuring 8910 Square Metres thereby conveyed is not entitled to the benefits of the rights set forth in conditions 1 & 2. contained in Deed of Transfer No. 5879/18 relating to Roadways and certain water rights from Rondekop Stream which benefits have been reserved by J. G. D. Vanrenen in favour of himself and his successors in title as owner of the remainder of Goede Hoop meas. 116.4795 Hectares held hereunder, as will more fully appear on reference to the said Deed of Transfer."

3. SUBJECT FURTHER AND ENTITLED to the provisions of an endorsement dated 26<sup>th</sup> February 1960 on the said Deed of Transfer No. T11418/1951, which endorsement reads as follows :

"Remainder"

By Notarial Deed No. 74/1960 dated 3<sup>rd</sup> December 1959 the owner of the property held hereunder gives and grants to the owner of the property held by Transfer No. 14682/1959 (remainder) :

- (a) The right to build and maintain a dam on any part of the stream running through the land held hereunder as marked by the blue line K.L. on the servitude diagram No. 5890/59 annexed to the said Notarial Deed, with the use of the water in the stream, and ancillary rights, and

- (b) The owner of the property held under Transfer No. 14682/59 has granted to the owner of the property held hereunder a right of way approximately 6,30 metres wide over the aforesaid property, the centre of which right of way is marked on the aforesaid servitude diagram No. 5890/59 by the brown line P.Q. running over the land in Para 2 of the said Transfer and the brown line Q.R. running over the land described in Para 1: Subject to conditions as will more fully appear on reference to the said Notarial Deed, a copy of which is annexed hereto."

4. ENTITLED to the provisions of an endorsement dated 16<sup>th</sup> November 1967 on the said Deed of Transfer No. T11418/1951, which endorsement reads as follows:

"By Deed of Transfer No. 26474 dd this day the remdr. Of Port. 4 of the Farm Dwars Rivershoek No. 122 held hereunder is entitled to certain rights as will more fully appear in annexure "A" attached hereto."

Annexure "A" reads as follows:

1. The Transferor reserves for himself and his successors in title, as owners of the remaining extent of portion 4 (Goede Hoop) of the farm Dwars Rivershoek, measuring after deduction of the area hereby to be transferred 46.5845 morgen, the rights to the use for any purpose of all and any roads running over the land hereby to be transferred, and in particular to the use for any purpose of the servitude road marked by the brown line p.q. on diagram No. 10971/65 to be annexed to the Transfer to be passed by virtue hereof.

2. The Transferor reserves for himself and his successors in title as owners of the remaining extent of portion 4, more fully described in Condition 1 above, all such water rights as are applicable to the whole of the said property and are required for the use of himself or his successors in title as owners of the remaining extent. In particular the Transferor reserves for himself and his successors in title as owners of the said remaining extent the right to lead off and use for household purposes water from the stream marked r.s. on the said Diagram No. 10971/65 or the spring from which such stream arises, up to a maximum of five hundred (500) gallons a day."

5. THE WITHIN PROPERTY IS SUBJECT to an access servitude in favour of :

THE REMAINDER PORTION 10 of the FARM DWARS  
RIVERS HOEK NO 122, in the Stellenbosch Municipality,  
Division Stellenbosch, Province of the Western Cape;

MEASURING 9,9950 (NINE comma NINE NINE FIVE ZERO)  
Hectares;

HELD by Deed of Transfer No. T14408/1989;

The Eastern Boundary of which access servitude 5,50 metres wide is  
represented by the figure R D on Diagram SG No. 2716/2008 and which  
extension of the servitude road is marked p q on Diagram SG No.  
10971/1965.

As will more fully appear from K 0000036 / 2011

(The eastern boundary of the access servitude is now depicted by the  
line v e of Diagram SG No. 2716/2008)

- V. INsofar as the figure 'a w p n-Q R z' on the annexed Diagram SG No. 2716/2008  
is concerned :

1. SUBJECT to the conditions referred to in Deed of Transfer No. T5882/1919;
2. SUBJECT FURTHER to the following condition contained in Deed of  
Transfer No. T7279/1919, namely :



"The Transferee shall not be entitled to any of the Transferor's share of the water flowing on and over the adjoining land known as Goede Hoop, registered in the name of Jacob Petrus Céliers by Deed of Transfer No. 5879 of 22<sup>nd</sup> June 1918 "

VI. INSOFAR as the figure B'C'D v E F G H, J'K L M N P Q,R on the annexed Diagram SG No. 2718/2008 is concerned :

1. SUBJECT and ENTITLED to the conditions referred to in the endorsement dated 9<sup>th</sup> September 1970 on Certificate of Consolidated Title No. T25589/1970 which endorsement reads as follows :

"By Deed of Transfer No. 25590/70 dated this day, the remainder of Portion 10 held hereunder measuring 23,4367 Ha. is subject and entitled to conditions as will more fully appear from Annexure "A" attached hereto.

The conditions contained in the said Annexure "A" read as follows:"

- (a) The Transferee and his successors in title of Portion 11 shall have the right to draw the whole of the water available to the Transferor as owner of the remaining extent of Portion 10 of the farm Dwars Riviers Hoek No. 122, measuring as such 23,4367 Hectares, held hereunder, save and except that in priority to such right the Transferor and his successors in title as owners of the said remaining extent shall have the right to draw from the said available water supply water for a period of not less than thirty-six (36) hours each week of each year.

- (b) The Transferor and his successors in title, as owners of the said remaining extent of Portion 10, more fully described above, shall have the right to the use of the servitude road marked "xy" on Diagram No. 6117/69 of Portion 11 held by the Transferee under Deed of Transfer No. 25590 dated this day, at the point marked "Y" to the point marked "X": such right to extend along the whole length to a distance of 6,30 metres on each side of the line marked "xy"; provided that for a length of 85 metres measured from point "Y" in the Direction of point "X" such right shall on the eastern side of "xy" extend to a distance of 18,89 metres from the line "xy".
- (c) The Transferee and his successors in title of Portion 11 shall not erect or install any structure or enclosure of any nature or kind designed for the housing of livestock within the said distances of 365,76 metres of the Transferor's boundary or 47,23 metres of the said servitude road."

2. SUBJECT FURTHER to the following conditions imposed in Deed of Transfer No. T 020092/11 (1) in terms of Section 11(6) of the Advertising on Roads and Ribbon Development Act No. 24 of 1940 when approving the subdivision of Portion 10 of the Farm Dwaars Riviers Hoek No. 122:

"1. In terms of abovementioned Act, there is no objection to the subdivision of the Farm 122/10 into Portion A ( $\pm$  10ha) and consolidation of Portion A with the adjacent Farm 122/11, provided that :

- 1.1 the existing servitude access from Minor road 5227 via Main Road 172 (Helshoogte) to be utilized as the only entrance to Farm 122/11 as indicated on the enclosed diagram of proposed re-alignment by Adriaan Smeyman SDP Services ;



- 1.2 the servituted road 'pq' as described in S.G. diagram 10971/65 to be extended to give access to Rem. Of Rem. Farm 122/10 over Farm 122/11;
- 1.3 no advertisement signs or any other signs visible from the nearest proclaimed road, Minor road 5227 (zevenrivieren) may be erected without the prior written approval of the District Roads Engineer: Paarl, and
- 1.4 any units to be built on Farm 122/11 (43.6ha) or the Remainder (± 10ha) to be used solely as residences ordinarily associated with farming activities. No business activities will be allowed on these premises, without prior written approval of the District Roads Engineer: Paarl.

2. The aforementioned approval is only valid for this application and does not imply exemption from any other Act, Ordinance or Regulation."

VII. AS FAR AS the whole of the property is concerned :

- (a) SUBJECT to a servitude area of 3,0014 (Three Comma Nil Nil One Four) Hectares which servitude area is depicted by the figure A B C D E F G H J K L M N P Q on Diagram SG No. 2714/2008 annexed to Notarial Deed of Servitude No. K000000337/2011 in favour of

THE REMAINDER PORTION 10 of the FARM DWARS RIVIERS HOEK NO. 122, in the Stellenbosch Municipality, Division Stellenbosch, Province of the Western Cape;

MEASURING 9,9950 (NINE comma NINE NINE FIVE ZERO) Hectares;

HELD by Deed of Transfer No. T14408/1989;

As will more fully appear from K000000337/2011

- (b) THE WITHIN PROPERTY is ENTITLED to a servitude area of 2,7763 (TWO COMMA SEVEN SEVEN SIX THREE) Hectares which servitude area is depicted by the figure A B C D on Diagram SG No. 2713/2008 annexed to Notarial Deed of Servitude No. K (6) 0000338 / 2011 over :

THE REMAINDER PORTION 10 of the FARM DWARS RIVIERS HOEK NO. 122, in the Stellenbosch Municipality, Division Stellenbosch, Province of the Western Cape;

MEASURING 9,9950 (NINE comma NINE NINE FIVE ZERO) Hectares;

HELD by Déed of Transfer No. T14400/1989;

As will more fully appear from K (6) 0000338 / 2011

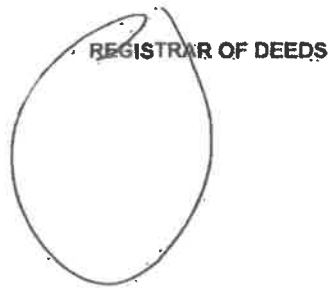
AND THAT by virtue of these presents the said

THE TRUSTEES FOR THE TIME BEING OF  
THE MERINDOL TRUST - Registration Number T.658/83

or its assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

IN WITNESS whereof, I, the said Registrar have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds, at CAPE TOWN, on this the 12<sup>th</sup> APRIL day of 2011



Registered in the  
Register of  
Book Folio

Clerk in Charge

**APPENDIX 3**  
**SG DIAGRAM**

Friedlaender, Burger & Volkmann - Land Surveyors

Servitude Notes:

1. The line xy represents the centre of a Servitude Road, vide Diagram No. 6117/1969, D/T 1970- -25590
2. The line vE represents the eastern boundary of an access servitude 5,50 metre wide, vide Diagram No. 2715/2008
- ~~3. The figure aibcdehijklmnpqr represents a servitude area, vide Diagram No. 2715/2008~~

S.G. No.

2716/2008

Approved.

*[Signature]*  
for

Surveyor - General

Date : 2008-06-13

SHEET 1 OF 2 SHEETS

Components:

1. The figure ABRSTU represents Portion 11 of the Farm Dwars Riviers Hoek No. 122 vide Diagram No. 6117/1969, D/T 1970- -25590
2. The figure BCDEFGHJKLMNPQR represents Portion 16 of the Farm Dwars Riviers Hoek No. 122, vide Diagram No. 2715/2008 ,D/T

The figure ABCDEFGHJKLMNPQRSTU represents 43,6158 hectares of land, being PTN. 17 OF THE FARM DWARS RIVIERS HOEK No. 122 and comprises 1. and 2. as above

Situate in the Stellenbosch Municipality  
Administrative District of Stellenbosch  
Compiled in May 2008  
by me

Province of Western Cape  
*[Signature]*  
PLS 0907 M B Straughan Pr. Land Surveyor

This diagram is annexed to No. <u>CCT 20093/2011</u> Dated i.f.o.  Registrar of Deeds	The original diagrams are as quoted above	File No. <u>Stel 122</u> S.R. No. Compiled Comp. BH-8DBD (3781) BH-8DD (3786)  LPI C0670000
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Friedlaender, Burger & Volkmann - Land Surveyors

S.G. No.

2716/2008

Approved.

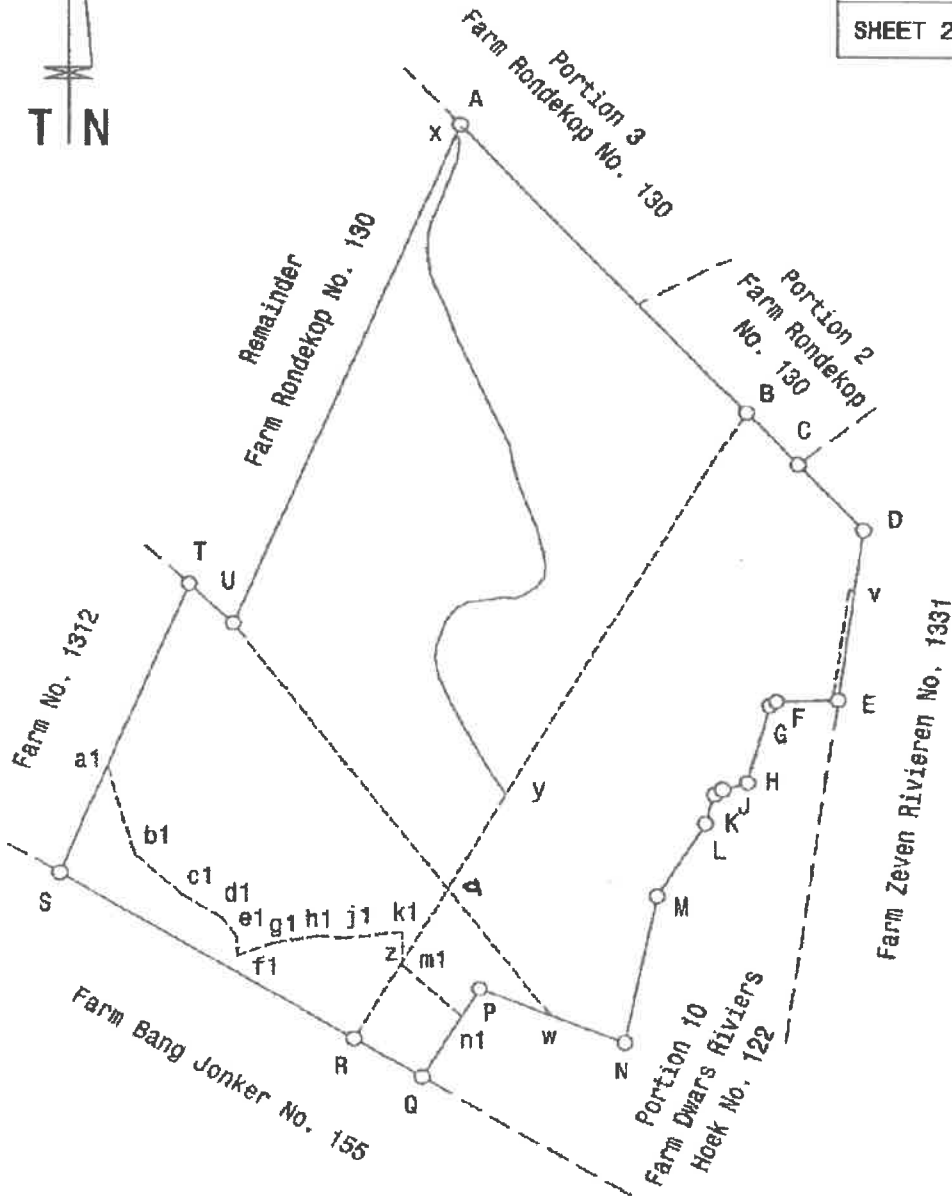
*[Signature]*

for

Surveyor - General

Date : 2008.06.13

SHEET 2 OF 2 SHEETS



**PORTION 17 OF THE FARM DWARS RIVIERS HOEK No. 122**

Administrative District of Stellenbosch

Compiled in May 2008

by me

*[Signature]*

SCALE 1 : 7500

PLS 0907

M B Straughan

Pr Land Surveyor

Farm 122/17 DWARS RIVIERS HOEK Stellenbosch

S

**APPENDIX 4**  
**RESOLUTION AND POWER OF ATTORNEY**



**RESOLUTION**

**PASSED AT THE MEETING OF THE MERINDOL TRUST**

**(REG 658/1983)**

**HELD AT STELLENBOSCH ON 2 MARCH 2021**

Jacques Malan in his capacity as Trustee is hereby authorized to sign on behalf of the Trust pertaining to the land use application (Consent Use for Tourist facility) of Portion 17 of the Farm 122, Division Stellenbosch.



TRUSTEE Francis Malan ID: 8301015220084.



TRUSTEE

Anten Malen ID: 7705315069085



TRUSTEE

Anten Kannemeyer ID: 6106125011089

## POWER OF ATTORNEY

MERINDOL TRUST, the registered owner of Portion 17 of Farm 122, Division Stellenbosch, held by Deed of Transfer T 20093/2011

Do hereby nominate, constitute and appoint


**Emile van der Merwe Town Planning Consultants**

With the power of substitution, to be my/our lawful Agent in my/our name, place and stead and to make the necessary applications to the Stellenbosch Municipality for the following:

- APPLICATION FOR CONSENT USE IN TERMS OF SECTION 15 (2) (O) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015) READ WITH THE STELLENBOSCH ZONING SCHEME BY-LAW (2019)**

On the above mentioned property and to proceed with any required work to the final end and termination thereof and generally of effecting the purpose aforesaid, to do our cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I/we might or could do if personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our said Agent(s) shall lawfully do, or cause to be done ; by virtue of these present.

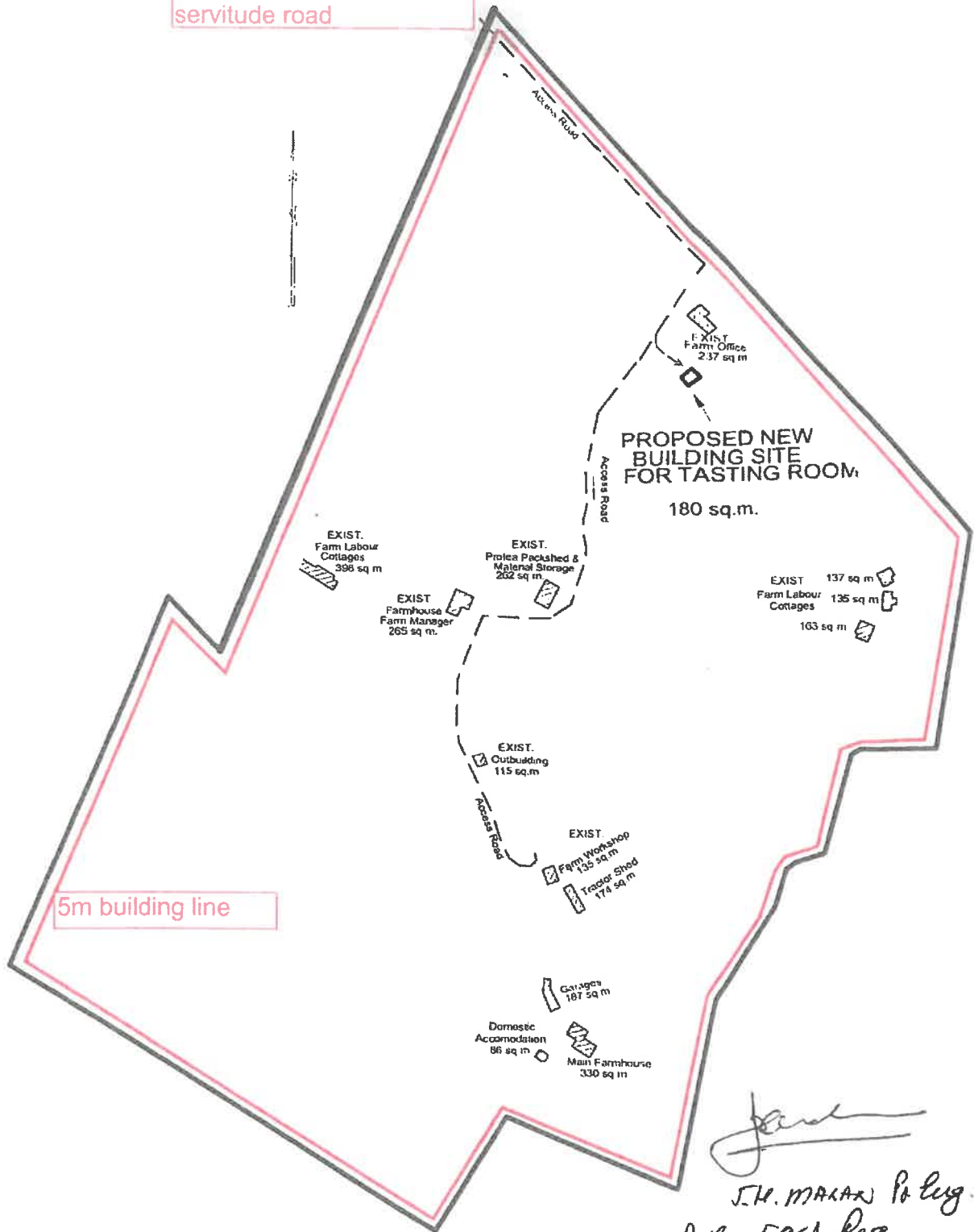
SIGNED AT        STELLENBOSCH    ON THIS        3        <sup>TH</sup>    DAY OF  
MARCH 2012.



**JACQUES MALAN  
TRUSTEE**

**APPENDIX 5**  
**SITE AND FLOOR PLAN**

Farm entrance via existing servitude road

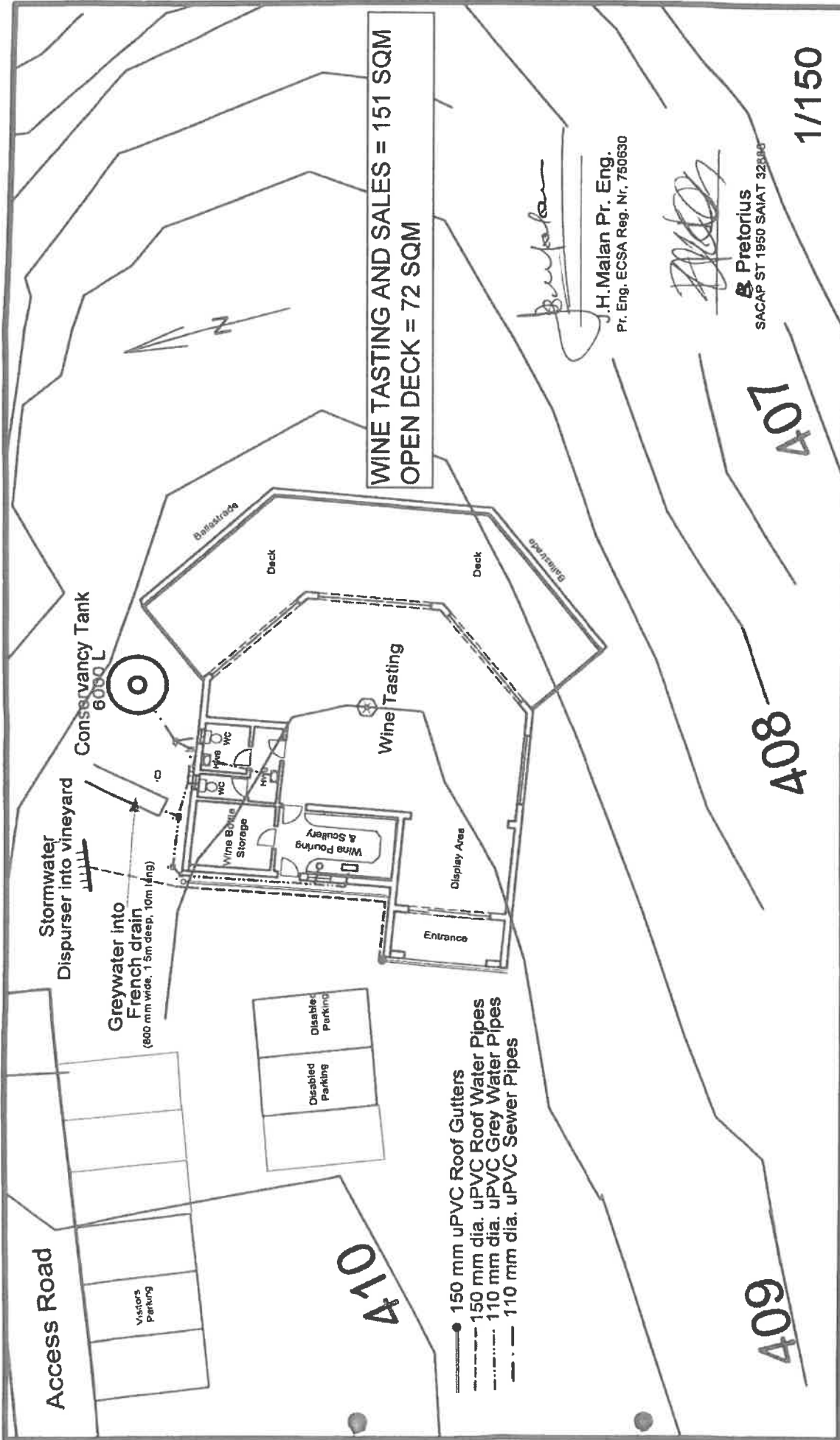


5m building line

*J.H. Malan*  
J.H. MALAN Pr. Eng.  
Pr. Eng. ECSA Reg  
Nr. 750630

1 : 3500

PROPERTY DIAGRAM WINE TASTING ROOM	For: RAINBOW'S END (Pty) Ltd Portion 17 of the Farm Dwarsriviershoek No. 122 Stellenbosch	Designed and Drawn by: J.H. Malan Pr. Eng. Pr. Eng. ECSA Reg. Nr. 750630 in association with B. Pretorius SACAP ST. 1950 SAJAT 32883	Date: February 2019 Dwg. No. 17/122 - 9
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Date: January 2020  
 Dwg. No. 17/122 - 11

Designed and Drawn by:  
 J.H. Malan Pr. Eng.  
 Pr. Eng. ECSA Reg. Nr. 750630  
 in association with  
 B. Pretorius  
 SACAP ST 1950 SAIAT 32863

For: RAINBOWS END (Pty) Ltd  
 Portion 17 of the Farm  
 Dwarsriviershoek No. 122  
 Stellenbosch

**SITE & DRAINAGE PLAN**  
**WINE TASTING ROOM**

**APPENDIX 6**  
**DAM REGISTRATION**



DEPARTEMENT VAN WATERWESE EN BOSBOU  
 DEPARTMENT OF WATER AFFAIRS AND FORESTRY  
 LEFAPHA LA METSI LE DIKGWA  
 UMN YANGO WEZAMANZI NEZAMAHLELATHI



RESIDENSIEGEBOU/BUILDING, SCHOEMANSTRAAT 185 SCHOEMAN STREET, PRETORIA

F (012) 326-1780 326-2715 326-4472  
 E-

P/B X313  
 PRETORIA  
 0001



M.T. Ledingwane  
 136-8374  
 12/2/G101/DK

2001-03-09

Trustee  
 Die Merindol Trust  
 P.O.Box 2253  
 DENNESIG  
 7601

Attention: Mr J.H. Malan

Sir

REGISTRATION OF A DAM WITH A SAFETY RISK IN TERMS OF SECTION 120 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) READ WITH REGULATION 15 OF THE REGULATIONS PUBLISHED IN GOVERNMENT NOTICE R.1560 OF 25 JULY 1986: RAINBOW'S END DAM SITUATED ON PORTION 11 (A PORTION OF PORTION 10) OF THE FARM DWARS RIVIER HOEK 122, DIVISION OF STELLENBOSCH

A. IMPORTANT NOTICE: THE NATIONAL WATER ACT, 1998

Please note that in terms of section 163(4) of the National Water Act, 1998, the Regulations published in Government Notice R.1560 of 25 July 1986 are in force until officially withdrawn by notice given in the Government Gazette by this Department. The expression "approved professional person" (APP) has the same meaning as "approved professional engineer" (APE) and the term "licence" has the same meaning as "permit", where mentioned in the aforementioned Regulations.

B. APPLICATION

1. The application with reference RAINREG dated 15 February 2001, received from Mr K.D. Elliott refers.
2. Receipt of the following documents dated January 2001 received 12 February 2001 is acknowledged:
  - (i) Construction completion report
  - (ii) "As built" plans and specifications

C. CLASSIFICATION AND REGISTRATION

Rainbow's End Dam is classified as follows:

Vertical wall height	14,5 metres
Storage capacity	62 000 cubic metres
Size class	Medium
Hazard potential rating	Low
Category	II

It is hereby confirmed that Rainbow's Dam has been registered in terms of section 120 of the National Water Act, 1998 (Act No. 36 of 1998). A printout reflecting information on the dam as stored on computer database at this Department is attached. Please check the correctness of the information shown and inform the Dam Safety Office of this Department as soon as possible in writing of any errors.

D. SPECIAL COMMENT BY DAM SAFETY OFFICE

Throughout the project it has been noted that all reports, engineering input, and construction of the enlargement of Rainbow's End Dam has been of a very high standard. This is also applicable to the construction completion report (which is an excellent document) and both you and Mr K.D. Elliott are to be congratulated for your dedicated efforts as professional engineers.

E. GENERAL

Your attention is also drawn to the fact that the first safety inspection of the dam by an approved professional engineer must be carried out within a period determined by the Department.

Yours faithfully

*PP* *M. J. van der Wald*  
DIRECTOR-GENERAL

Copy to (i) Regional Director: Western-Cape  
(ii) Mr S.P.B. du Plessis-Western-Cape  
(iii) Mr K.D. Elliott, P.O. Box 2115, Somerset West, 7129

Enclosure: Registration information



DAM INFORMATION & PLAN APPLICATION : REGISTRATION INFORMATION F  
 -----  
 INFORMATION SYSTEM FOR THE ADMINISTRATION OF THE  
 DAM SAFETY LEGISLATION  
 (SECTION 9C OF THE WATER ACT, 1956)

Departmental File No.: 12/2/G101-DK  
 Name: RAINBOW'S END DAM

REGISTRATION INFORMATION  
 -----

Latitude 33 56 6 Longitude 18 56 47  
 Nearest town STELLENBOSCH  
 Distance (Km) 15  
 Dam name GEDEELTE 11 VAN DIE PLAAS DWARS RIVIER HOEK NR 122  
 District STELLENBOSCH  
 Province WES KAAP  
 Date of completion 2000  
 River  
 Type of wall EARTHFILL DAM  
 Wall height (metre) 015  
 Length of crest (metre) 150  
 Type of spillway OPEN CHANNAL OVERFLOW  
 Gross storage capacity (thousand cubic metre) 62  
 Surface area of body of water (in hectare) 1  
 Purpose of dam IRRIGATION

OWNER (DV8788)  
 -----

PERSON IN CONTROL (DV8788)  
 -----

DIE MERINDOL TRUST  
 POSBUS 2253  
 DENNESIG

DIE MERINDOL TRUST  
 POSBUS 2253  
 DENNESIG

7601  
 021 885 1719

7601  
 021 885 1719

DESIGNER  
 -----  
 J.H. MALAN

CONTRACTOR  
 -----  
 NASIONALE LANDBOU DIENSTE BK

Date of registration 2000-02-15

DAM CONTROL INFORMATION  
 -----

Size M Hazard Potential C Category 2

Date:	Classification	1997-06-13	First inspection
	Inspection directive		Second inspection
	Completion certificate		Third inspection
	GPI approved (Y/N)	N	Fourth inspection

\*\*\* END OF REPORT \*\*\*

**APPENDIX 7**  
**PRE-SCRUTINY FEEDBACK**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

JH Malan

By email: [Jacques@rainbowsend.co.za](mailto:Jacques@rainbowsend.co.za)

25 January 2021

## **SUBJECT: PRE-APPLICATION SCRUTINY FEEDBACK**

### **APPLICATION FOR CONSENT USE – FARM 122/17, STELLENBOSCH DIVISION**

1. Your pre-application scrutiny submission on the above property dated **22 December 2020**, refers.
2. Your submission has been duly scrutinized for your intended land use application.
3. Your intended land development application as depicted in the submission represents on face value an accurate approach to the prevailing provisions in the Stellenbosch Land Use Planning Bylaw (2015) [SLUPB] and Stellenbosch Zoning Scheme Bylaw (2019) [SZSB] and you may proceed to submit for consideration a corresponding application.
4. The intended land development application needs to fulfil the requirements as stipulated in Section 38 of the SLUPB. The required application documents and related information on any applicable Bylaws, Policies and Spatial Plans are available on the Planning Portal of the Municipal Website, (<https://www.stellenbosch.gov.za/documents/planning-and-building-plans/planningportal>)
5. Please note that the sole purpose of this pre-application scrutiny feedback is to facilitate an accurate approach for the intended land use and/ or land development application. The feedback should consequently not be interpreted to represent any position on the merit nor desirability of such intended land use and/ or land development application, which can only be determined once a complete application has been received and duly processed and decided on by the authorised decision maker.
6. It should also be noted that the complete application should first be submitted without the payment of any applicable application fees. Only when satisfied that a complete and accurate application has been submitted, will a proforma invoice be submitted to the applicant with payment instructions. Once proof of payment is received, the application will be regarded as duly submitted in accordance with a notice as contemplated in terms of Section 41(1)(c)(i) of the SLUPB.
7. For any enquiries on this correspondence please respond by e-mail to the writer hereof.

Kind regards

Nopinki Dafeti  
Town Planner  
[Nopinki.Dafeti@stellenbosch.gov.za](mailto:Nopinki.Dafeti@stellenbosch.gov.za)

**APPENDIX 8**  
**APPLICATION FORM**



# STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

## LAND USE PLANNING APPLICATION FORM 2017

(Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015) and other relevant legislation)

**KINDLY NOTE:** Please complete this form using BLOCK letters and ticking the appropriate boxes.

### PART A: APPLICANT DETAILS

First name(s)	Emile				
Surname	van der Merwe				
Company name (if applicable)	Emile van der Merwe Town Planning Consultants				
Postal Address	PO Box 204				
	Stellenbosch	Postal Code	7599		
Email	emilevdm@adept.co.za				
Tel	021 886 5050	Fax	021 8838965	Cell	0845566461

### PART B: REGISTERED OWNER(S) DETAILS (if different from applicant)

Registered owner(s)	The Merindol Trust				
Physical address	Zevenriveren Road				
	Banhoek Valley	Postal code	7600		
E-mail	jacques@rainbowsend.co.za				
Tel	0218551719	Fax	0218551722	Cell	0824137285

### PART C: PROPERTY DETAILS (in accordance with title deed)

Erf / Erven / Farm No.	Farm 122	Portion(s) if Farm	17	Allotment area	Stellenbosch	
Physical Address	As above					
Current Zoning	Agricultural and Rural Zone	Extent	43.6149ha m <sup>2</sup> / ha	Are there existing buildings?	y	n

Applicable Zoning Scheme	Stellenbosch Zoning Scheme By-Law (2019)									
Current Land Use	Agriculture									
Title Deed number and date	T	20093/2011								
Attached Conveyance's Certificate	N	Any Restrictions ito the Attached Conveyance's Certificate? If yes, please list condition(s) as per certificate								
Are the restrictive conditions in favour of a third party(ies)?	N	If Yes, list the party(ies):								
Is the property encumbered by a bond?	N	If Yes, list the bondholder(s):								
Is the property owned by Council?	N	If Yes, kindly <u>attach a power of attorney</u> from the Manager Property Management								
Is the building located within the historical core?	N	Is the building older than 60 years?	N	Is the application triggered by the National Heritage Resources Act, 1999 (Act 25 of 1999) <sup>1</sup>	N	If Yes, kindly indicate which section are triggered and attached the relevant permit if applicable.				
Any existing unauthorized buildings and/or land use on the subject property(ies)?	N	If yes, is this application to legalize the building / land use??				Y				
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	N	Are there any land claim(s) registered on the subject property(ies)?				N				
<b>PART D: PRE-APPLICATION CONSULTATION</b>										
Has there been any pre-application consultation?	Y	If Yes, please attach the minutes of the pre-application consultation.								
<b>PART E: LAND USE PLANNING APPLICATIONS AND APPLICATION FEES PAYABLE</b>										
<b>APPLICATIONS IN TERMS OF SECTION 15 OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>										
Tick	<b>Type of application: Cost are obtainable from the Council Approved tariffs<sup>3</sup></b>									
	15(2)(a) Rezoning of Land									
	15(2)(b) a permanent departure from the development parameters of the zoning scheme									
	15(2)(c) a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;									
	15(2)(d) a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;									
	15(2)(e) a consolidation of land that is not exempted in terms of section 24;									

<sup>1</sup> All applications triggered by section 38(1)(a)-(e) in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999) may not be processed without a permit issued by the relevant department

<sup>2</sup> No application may be submitted to legalize unauthorised building work and or land use on the property if a notice have been served in terms of Section 87(2)(a), and until such time a Section 91 Compliance Certificate have been issued in terms of the Stellenbosch Land Use Planning By-law (2015)

<sup>3</sup> <http://www.stellenbosch.gov.za/documents/ldp-budget/2017-2/4873-appendix-3-tariff-book-2017-2018/file>

	15(2)(f) a removal, suspension or amendment of restrictive conditions in respect of a land unit;
	15(2)(g) a permission required in terms of the zoning scheme;
	15(2)(h) an amendment, deletion or imposition of conditions in respect of an existing approval;
	15(2)(i) an extension of the validity period of an approval
	15(2)(j) an approval of an overlay zone as contemplated in the zoning scheme;
	15(2)(k) an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram ;
	15(2)(l) a permission required in terms of a condition of approval;
	15(2)(m) a determination of a zoning;
	15(2)(n) a closure of a public place or part thereof;
X	15(2)(o) a consent use contemplated in the zoning scheme;
	15(2)(p) an occasional use of land;
	15(2)(q) to disestablish a home owner's association
	15(2)(r) to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
	15(2)(s) a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.
	15(2)(6) When the Municipality on its own initiative intends to conduct land development or an activity
	15(2)(l) Amendment of Site Development Plan
	15(2)(l) Compilation / Establishment of a Home Owners Association Constitution / Design Guidelines

**OTHER APPLICATIONS**

	Deviation from Council Policies/By-laws;	R
	Other (specify) : _____	R
<b>TOTAL A:</b>		<b>R</b>

**PRESCRIBED NOTICE AND FEES\*\* (for completion and use by official)**

Tick	Notification of application in media	Type of application	Cost
	<b>SERVING OF NOTICES</b>	Delivering by hand; registered post; data messages	R
	<b>PUBLICATION OF NOTICES</b>	Local Newspaper(s); <i>Provincial Gazette</i> ; site notice; Municipality's website	R
	<b>ADDITIONAL PUBLICATION OF NOTICES</b>	Site notice, public meeting, local radio station, Municipality's website, letters of consent or objection	R
	<b>NOTICE OF DECISION</b>	<i>Provincial Gazette</i>	R
	<b>INTEGRATED PROCEDURES</b>	T.B.C	R
<b>TOTAL B:</b>			<b>R</b>
<b>TOTAL APPLICATION FEES*</b> <b>(TOTAL A + B)</b>			<b>R 2500</b>

\* Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

\*\* The applicant is liable for the cost of publishing and serving notice of an application. Additional fees may become applicable and the applicant will be informed accordingly.

**BANKING DETAILS**

Name:	Stellenbosch Municipality
Bank:	NEDBANK
Branch no.:	198765
Account no.:	1152271679
SWIFT	NEDSZAJJ
<b>Payment reference:</b> (Erf/Farm number)	.....

DETAILS FOR INVOICE	
Name & Surname/Company name (details of party responsible for payment)	EVDM Town Planning Services
Postal Address	PO Box 204
Vat Number (where applicable)	4740239944

PART F: DETAILS OF PROPOSAL							
Building line encroachment	Street		From	m	To	m	
	Street		From	m	To	m	
	Side		From	m	To	m	
	Side		From	m	To	m	
	Aggregate side		From	m	To	m	
	Rear		From	m	To	m	
Exceeding permissible site coverage		From	%	To	%		
Exceeding maximum permitted bulk / floor factor / no of habitable rooms		From		To			
Exceeding height restriction		From	m	To	m		
Exceeding maximum storey height		From	m	To	m		
Consent/Conditional Use/Special Development							
To permit..... the establishment of a tourist facility (wine tasting and sales).....							
in terms of Section..... 209..... of the..... Stellenbosch zoning scheme by-law..... Zoning Scheme Regulations							
Other (please specify)		<hr/> <hr/> <hr/>					

Brief description of proposed development / intent of application:
See motivation attached



**PART G: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION**

**Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete.**

Information and documentation required			
Y	FF		Power of attorney / Owner's consent if applicant is not owner
Y	FF		Resolution or other proof that applicant is authorised to act on behalf of a juristic person
Y	FF		Written motivation pertaining to the need and desirability of the proposal
Y	FF		Locality plan (A4 or A3 only) to scale
	N		Proposed subdivision plan (A4 or A3 only) to scale
	N		Proof of payment of application fees
	N		Conveyancer's certificate
	N	N/A	Consolidation plan (A4 or A3 only) to scale
	FF	N/A	Street name and numbering plan (A4 or A3 only) to scale
	FF	N/A	Landscaping / Tree plan (A4 or A3 only) to scale
	N	FF	Abutting owner's consent
	N	FF	Copy of Environmental Impact Assessment (EIA) / Heritage Impact Assessment (HIA) / Traffic Impact Assessment (TIA) / Traffic Impact Statement (TIS) / Major Hazard Impact Assessment (MHIA) / Environmental Authorisation (EA) / Record of Decision (ROD)
		N/A	Copy of original approval and conditions of approval
		N/A	Proof of lawful use right
		N/A	Required number of documentation copies
	N		Bondholder's consent (if applicable)
	N		Proof of any other relevant right held in the land concerned
Y	N		S.G. diagram / General plan extract (A4 or A3 only)
Y	FF		Site development plan or conceptual layout plan (A4 or A3 only) to scale
	N		Proof of agreement or permission for required servitude
Y	FF		Proof of registered ownership ( <b>Full copy of the title deed</b> )
Y	FF		Minutes of pre-application consultation meeting (if applicable)
		N/A	Land use plan / Zoning plan (A4 or A3 only) to scale
		N/A	1 : 50 / 1:100 Flood line determination (plan / report) (A4 or A3 only) to scale
		N/A	Home Owners' Association consent
	N	FF	Services Report or indication of all municipal services / registered servitudes
		N/A	Proof of failure of Home owner's association
		N/A	Any additional documents or information required as listed in the pre-application consultation form / minutes
		N/A	Other (specify)

**PART H: AUTHORISATION(S) SUBJECT TO OR BEING CONSIDERED IN TERMS OF OTHER LEGISLATION**

	N	If required, has application for EIA / HIA / TIA / TIS / MHIA approval been made? If yes, attach documents / plans / proof of submission etc.	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989)
	N/A	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)	N/A National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004)
Y	N/A	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA)	N/A National Environmental Management: Waste Act, 2008 (Act 59 of 2008)
	N/A	Occupational Health and Safety Act, 1993 (Act 85 of 1993): Major Hazard Installations Regulations	N/A National Water Act, 1998 (Act 36 of 1998)
Y	N/A	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)	N/A Other (specify)
Y	N	Do you want to follow an integrated application procedure in terms of section 44(1) of the Stellenbosch Municipality Land Use Planning By-Law? If yes, please attach motivation.	

**SECTION I: DECLARATION**

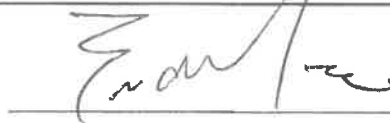
I hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and that a copy of the relevant power of attorney or consent is attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission.
6. I confirm that I have made known all information relating to possible Land / Restitution Claims against the application property.
7. It is the owner's responsibility to ensure that approval is not sought for a building or land use which will be in conflict with any applicable law.
8. The Municipality assesses an application on the information submitted and declarations made by the owner or on his behalf on the basis that it accepts the information so submitted and declarations so made to be correct, true and accurate.
9. Approval granted by the Municipality on information or declarations that are incorrect, false or misleading may be liable to be declared invalid and set aside which may render any building or development pursuant thereto illegal.
10. The Municipality will not be liable to the owner for any economic loss suffered in consequence of approval granted on incorrect, false or misleading information or declarations being set aside.
11. Information and declarations include any information submitted or declarations made on behalf of the owner by a Competent Person/professional person including such information submitted or

declarations made as to his or her qualification as a Competent person and/or registration as a professional.

- 12. A person who provides any information or certificate required in terms of Regulation A19 of the National Building Regulations and Building Standards Act No 103 of 1977 which he or she knows to be incomplete or false shall be guilty of an offence and shall be prosecuted accordingly.
- 13. A person who supplies particulars, information or answers in a land use application in terms of the Stellenbosch Municipality Land Use Planning By-law knowing it to be incorrect, false or misleading or not believing them to be correct shall be guilty of an offence and shall be prosecuted accordingly.
- 14. The Municipality will refer a complaint to the professional council or similar body with whom a Competent Person/professional person is registered in the event that it has reason to believe that information submitted or declaration/s made by such Competent Person/professional person is incorrect, false or misleading.

Applicant's signature:



Date:

2021-03-09

Full name:

EMILE VAN DER MERWE

Professional capacity:

PROFESSIONAL PLANNER A1149/1996

**FOR OFFICE USE ONLY**

Date received: \_\_\_\_\_

Received By: \_\_\_\_\_

